

**Ethics and Compliance Hotline****General Information**

<b>Caller Name:</b> Annette Rodriguez	<b>Client Name:</b> State of New Mexico	<b>Report #:</b> 120074016
<b>Type:</b> Former Employee	<b>Location #:</b> Pres/ExecutiveTeam	<b>Priority:</b> 2
<b>Title:</b> Former Part-time faculty	<b>DBA:</b> NORTHERN NEW MEXICO COL	<b>Trans #:</b> 2
<b>Phone:</b> (505)573-1158	<b>Address:</b> 921 N PASEO DE ONATE	<b>Rpt Date:</b> 08/07/2014
<b>Best Time to Call:</b> anytime	<b>City,State,Zip:</b> ESPANOLA - NM 87532	<b>Time:</b> 01:29AM
	<b>Country:</b>	<b>Origin:</b> Internet
<b>Email:</b> Annette_Rodriguez@brown.edu	<b>Phone:</b>	

**Summary Information**

**WHO:** Caller, Annette Rodriguez, reported Nancy Barcelo and Domingo Sanchez.  
**WHAT:** Accounting/Audit Irregularities  
**WHEN:** Throughout 2011 to present  
**WHERE:** Northern New Mexico College

**Incident Description****8/12/2014 10:24:24 PM - Caller Call Back**

I requested the public records of the contracts, agreements, purchase orders, p records between NNMCM and Monument, LLC. The Monument, LLC no-bid \$13-to on several occasions by NNMCM Administrators and Board of Regents Membe providing the public records that I formally requested using IPRA, NNMCM Admin document [sic] exist" (attached).

The agreements and payments to Monument, LLC have been referred to on sev Finance, VP of Institutional Advancement, and Regents Herrera, Branch, Garcia occasions are detailed below. The refusal to release requested public records, a State Law.

Discussions of Monument agreements and payments:

At the May 22, 2014 NNMCM Board of Regents Meeting, NNMCM Board Members Michael Branch, Kevin Powers, Alfred Herrera and Rosario "Chayo" Garcia voted unanimously to allow Paul Cassidy of RBC Capital Markets and Peter L. Franklin of Santa Fe's Modrall, Sperling, Roehl, Harris & Sisk, P.A. Law Firm to act as agents of NNMCM-pursuing funding for the multimillion dollar, no-bid dorm project agreed upon with Monument, LLC. Audio of this meeting is available from myself or NNMCM, who record each BOR meeting. The Board members, the NNMCM President and the agents above referred directly to the agreements with Monument and in fact each had a red three-ring binder that they referred to as they discussed the usage of agents for a proposed bond measure.

In addition, at the July 15, 2014 New Mexico Board of Finance meeting, the New Mexico Board of Finance was clearly disturbed by the \$978,000 in fees charged by Monument Construction for "student housing study," "student housing survey," "financial analysis," and "market analysis" [6:06-6:08]. Close to one-million dollars in fees to-as a member of the New Mexico Board of Finance put it-"[do] the study to show need for housing. and you'll build it?" [6:09]. The New Mexico Board of Finance video and audio of this meeting are available online. You may access the July 15th meeting in full at [http://governor-nm.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=1557](http://governor-nm.granicus.com/MediaPlayer.php?view_id=2&clip_id=1557) (Northern New Mexico College's presentation is the last of the day and begins at 5:37 and continues until the meeting adjourns at 6:21).

It is clear that exact agreements between NNMCM and Monument, LLC and/or their principles exist, indeed they are referred to clearly and publicly. The refusal to release requested public records, and to deny their existence, is a violation of NM State Law. Further, we believe that records are not being released so that the VP of Finance may present a resolution to the BOR regarding Monument, LLC at a special meeting of Aug 14, 2014 (agenda attached) without public input or with without the public being informed of the agreements, invoices and/or payments between NNMCM and Monument, LLC.

**8/7/2014 1:29:40 AM - Original Call**

The Administrators of the college have engaged in irregularities with federal grant monies, with equipment procurement, and have violated nepotism and favoritism policies and procedures. The Angelo Jacques lawsuit alleges many violations and irregularities of which the Administrators were aware and/ or involved.

Jerome Espinosa  
(505) 747-2158  
Security  
Administration

## Ethics and Compliance Hotline

### General Information

<b>Caller Name:</b> Annette Rodriguez <b>Type:</b> Former Employee <b>Title:</b> Former Part-time faculty <b>Phone:</b> (505)573-1158 <b>Best Time to Call:</b> anytime <b>Email:</b> Annette_Rodriguez@brown.edu	<b>Client Name:</b> State of New Mexico <b>Location #:</b> Pres/ExecutiveTeam <b>DBA:</b> NORTHERN NEW MEXICO COL <b>Address:</b> 921 N PASEO DE ONATE <b>City,State,Zip:</b> ESPANOLA - NM 87532 <b>Country:</b> <b>Phone:</b>	<b>Report #:</b> 120074016 <b>Priority:</b> 2 <b>Trans #:</b> 2 <b>Rpt Date:</b> 08/07/2014 <b>Time:</b> 01:29AM <b>Origin:</b> Internet
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<b>WHEN:</b>	Throughout 2011 to present
<b>WHERE:</b>	Northern New Mexico College

### Incident Description

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I requested the public records of the contracts, agreements, purchase orders, purchase requests, invoices and/or payment records between NNMC and Monument, LLC. The Monument, LLC no-bid \$13-16 million contract agreement has been referred to on several occasions by NNMC Administrators and Board of Regents Members. However, after a two-month delay in providing the public records that I formally requested using IPRA, NNMC Administrators have sent the response that "no such document [sic] exist" (attached).

The agreements and payments to Monument, LLC have been referred to on several occasions by the NNMC President, VP of Finance, VP of Institutional Advancement, and Regents Herrera, Branch, Garcia, and Powers. Two recent and records such occasions are detailed below. The refusal to release requested public records, and to deny their existence, is a violation of NM State Law.

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The Administrators of the college have engaged in irregularities with federal grant monies, with equipment procurement, and have violated nepotism and favoritism policies and procedures. The Angelo Jacques lawsuit alleges many violations and irregularities of which the Administrators were aware and/ or involved.

Further irregularities of nepotism and fund mismanagement are provable, however the College has refused to release public records as requested through IPRA (see letters from their attorney when I requested public records). I have alerted the Attorney General of IPRA violations and will be filing a lawsuit to compel public records release next week (see letter from my attorney).

In addition, there have been retaliatory firings at NNMC for whistleblowing. Our Title III Administrator Dr. Harry Rommel resigned in July due to irregularities with that grant.

We are also concerned by the dorm building project proposed by the NNMC Administration and Board of Regents. This is a multimillion dollar no-bid project that is being proposed as a "public-private" partnership after the NM Board of Finance refused to vote to fund it with a bond measure in July 2014. This no-bid project with an out-of-state LLC is being voted on binding NNMC to the Monument LLC on August 7, 2014 (see attached resolution).

I am happy to talk with you and to connect you with other current and former employees of NNMC will to speak with you about several violations and irregularities at Northern New Mexico College.

**How does the caller know about the incident?:** Other

**What documentation is available?:** Yes, lawsuit, discovery documents, public records  
Please see the Supplemental Information section for more detail.

**Accounting/Audit Irregularities:**

What is the Organization or Agency name you're reporting about? Northern New Mexico College

What is the Organization Type? Higher Education

Do you know whether an internal audit or investigation of the issue has been done or is scheduled to be done by the organization? UNKNOWN

If an audit/investigation is involved, when and who is involved? (Name of organization unit or person) Domingo Sanchez, VP Finance

Do you know whether there has been any altering or destruction of evidence or intimidation of witnesses? YES

If so, please describe what occurred, including the name(s) of those involved. retaliation in the form of firing and harrassment, also the refusal to release public records when requested

Do you know whether law enforcement (police) has been notified or whether a prosecuting authority such as the local District Attorney or the State Attorney General has been notified? UNKNOWN

If so, what is the Prosecuting Authority Organization/Contact Name?

If so, what is the Law Enforcement Organization/Contact Name?

Do you know whether the Independent Public Accountant (CPA firm) for the organization has been made aware of this incident? UNKNOWN

If so, what is the IPA Organization/Contact Name?

What would you estimate the total potential dollar cost or loss may be due to this incident? millions

**Involved Parties**

**Reported Individuals:**

**Name:** Domingo Sanchez

**Title:** Vice President of Finance and Administration

**Name:** Nancy Barcelo**Title:** President**Management Notified: YES****Date:** 1/1/2012**Phone:****Name:** Domingo Sanchez**Title:** VP Finance**Action Taken:** No action taken**Date:** 1/1/2012**Phone:****Name:** Ricky Serna**Title:** VP Institutional Advancement**Action Taken:** No action taken**Date:** 1/1/2012**Phone:****Name:** Bernie Padilla**Title:** Director of Human Resources**Action Taken:** No action taken**Date:** 1/1/2012**Phone:****Name:** Nancy Barcelo**Title:** President**Action Taken:** No action taken**Involved/Aware Parties : YES****Name:** Michael Branch**Title:** President NNMC Board of Regents**Role:****Supplemental Information****How does the caller know about hotline:** Other**Interviewer Observations:****Attachment Information**

File Name:	Description:	By:
✓ BOR Housing Resolution 08.07.14.docx		REPORTINGPARTY SYSTEM
✓ NNMC BOR Special Meeting Agenda 8-14-14.pdf		REPORTINGPARTY SYSTEM
IPRA RESPONSE. T. PITCHER.pdf		REPORTINGPARTY SYSTEM
Tony Ortiz 7.25.14 NNMC IPRA.pdf		REPORTINGPARTY SYSTEM
✓ Ltr to Annette Rodriguez.pdf		REPORTINGPARTY SYSTEM
✓ Ltr to Annette Rodriguez.7.10.2014-1.pdf		REPORTINGPARTY SYSTEM
✓ JacquesLawsuit.pdf		REPORTINGPARTY SYSTEM

**Client Instructions**

The caller has provided his/her name and/or contact information indicating an interest in discussing this matter with a company representative.

**Conditions:**

The information contained in this report was provided by a third party source. The Network, Inc. does not verify the accuracy or the completeness of the information contained in this report, and therefore, cannot guarantee its accuracy or completeness.

If you have questions, concerns or updates such as escalation and/or dissemination instructions relative to our service or this incident report please contact us at "clientcommunication@tnwinc.com."



[Print this page.](#)

**Case File For Incident Number: 120074016**

**Case Administration Information**

**Priority:** 1  
**Investigator:** ZZ - STEWART, PATRICK  
**Due Date:**  
  
**Approver:** ZZ - STEWART, PATRICK  
**Assignment Date:** 11/12/2014  
**Resolution Status:** Approved/Closed  
**Closed Date:** 3/5/2015  
**Actions:**

**Incident Short Summary**

**Who:** Barcelo Sanchez  
**What:** Accounting/Audit Irregularities  
**When:** Throughout 2011 to present  
**Where:** UNK -

**Investigation Information**

03/05/2015 12:16PM (ET) - PATRICK ZZ - STEWART - Approved/Closed case with an Outcome of "No Investigation Necessary" and a Disposition of "Cleared"

03/05/2015 12:16PM (ET) - PATRICK ZZ - STEWART - Approved and Closed with Additional Information Recording 'Organizational/Agency Name=' 'Organizational/Agency Type=' 'IPA Firm/Contact Name=' 'Law Enforcement/Contact Name=' 'Prosecuting Authority/Contact Name=' 'Agency Code=' 'Internal Investigative/Audit Unit Contact Name='

11/12/2014 4:11PM (ET) - PATRICK ZZ - STEWART - Email to Patrick.stewart@osa.state.nm.us generated RE: Case transferred to another investigator.

11/12/2014 4:11PM (ET) - PATRICK ZZ - STEWART - Transferring a case to another investigator

08/19/2014 11:14AM (ET) - PATRICK ZZ - STEWART - Email to Shawna.Maestas@osa.state.nm.us generated RE: Case assigned to investigator.

08/19/2014 11:14AM (ET) - PATRICK ZZ - STEWART - Assigning an Investigator

08/12/2014 10:24PM (ET) - REPORTINGPARTY SYSTEM - Callback Added

**Additional Information**

**Organizational/Agency Name:**

**Organizational/Agency Type:**

**IPA Firm/Contact Name:**

**Law Enforcement/Contact Name:**

**Prosecuting Authority/Contact Name:**

**Agency Code:**

**Internal Investigative/Audit Unit Contact Name:**

**Resolution Information**

**Outcome:** No Investigation Necessary

**Disposition:** Cleared

**Amount of Reward:** 0

**Message to Caller:** The client has completed their investigation and has marked this issue as resolved. Unfortunately I am unable to provide you with any additional information. If you like I can start a new report for you.

[Print this page.](#)

Joan Chernock

**STATE OF NEW MEXICO  
COUNTY OF RIO ARriba  
FIRST JUDICIAL DISTRICT**

NO. D-117-CV-2014-00278

**ANGELO JACQUES,**

**Plaintiff,**

**v.**

**Demand for 6-Person Jury**

**NORTHERN NEW MEXICO COLLEGE,**

**Defendant.**

**COMPLAINT FOR DAMAGES UNDER THE NEW MEXICO  
WHISTLEBLOWER PROTECTION ACT**

**I. Introduction**

1. This case arises out of the effort of Defendant's high ranking administrators to punish and discredit Plaintiff and deprive him of employment because Plaintiff repeatedly communicated to these Northern New Mexico College ("NNMC") officials and other public officials his concerns about the rampant mismanagement, improper employment actions, favoritism, and misuse of public funds and equipment he discovered while working as the IT Director for the college. Plaintiff reasonably and in good faith believed that the acts and failures to act by NNMC administrative officials which were the subject of repeated communications to his public employer and/or to New Mexico Senator Richard Martinez were unlawful and/or improper. Plaintiff further contends that Defendant acted to punish and discredit him because Plaintiff objected to and/or refused to participate in activities or practices at NNMC that constituted an

unlawful or improper act.

2. In fact, Defendant's refusal to provide the reasons for placing Plaintiff on administrative leave and for its decision not to re-employ him were part of a pattern and practice of punitive actions taken by the high-ranking administrative officials of NNMC to silence criticism of their misconduct and to punish those who questioned their improper conduct.

3. Plaintiff was without employment for approximately eight months as a result of Defendant's conduct and has suffered a significant loss of income even after finding employment. Additionally, Plaintiff suffered severe humiliation, embarrassment and emotional distress as a direct result of the conduct of Defendant.

## **II. Parties and Jurisdiction**

4. Plaintiff Angelo Jacques is a resident of Rio Arriba County and at all times material hereto was employed at Defendant Northern New Mexico College as the Information Technology ("IT") Director.

5. Defendant Northern New Mexico College is a public employer within the meaning of the New Mexico Whistleblower Protection Act, 1978 NMSA, §10-16C-2(C). At all times material hereto, the NNMC officers and employees mentioned in this Complaint were acting within the scope of their duties. The NNMC is liable for the retaliatory actions undertaken by its employees as explained below.

6. This is an action for money damages brought pursuant to the New Mexico Whistleblower Protection Act, 1978 NMSA, §10-16C-1, *et seq.* This Court has jurisdiction over this case pursuant to 1978 NMSA, §10-16C-4 and venue is proper in this District because all parties reside or do business in this District and all acts



described in this Complaint occurred in this District.

### **III. The Facts Regarding Plaintiff's Qualifications For The Job**

7. After graduating from Española Valley High School in 1978, Plaintiff joined the United States Navy where he served for 20 years and retired with an honorable discharge as a Chief Petty Officer. During his service, the Navy sent Plaintiff to numerous schools where he received advanced training in computer technology. Plaintiff also received a Bachelor of Science degree as part of this process. After leaving the United States Navy in 2000, Plaintiff spent the next 12 years working for several private sector companies. *Inter alia*, Plaintiff worked as a Senior Program Consultant at the Los Alamos National Laboratory and as the Technical Delivery Projects Manager at the White Sands Missile Range. In 2007, Plaintiff accepted an offer to work for Globecom Systems, Inc. in New York City. Plaintiff was assigned to serve as a Senior Program Manager for the United States Department of Commerce Emergency Weather Alert. Plaintiff also served as a Senior Program Manager for the United States Department of Justice where, *inter alia*, he was responsible for implementing a nationwide communications system. Plaintiff then spent three years in Afghanistan where he installed and/or implemented numerous critical communications projects for the nation of Afghanistan and for the United States in support of our troops deployed in the region. This position was a Top Secret position reporting to the Information Management Officer of the Department of State in Kabul, Afghanistan. An additional assignment was as the Acting Director of Operations for Afghanistan Telecommunications.

8. By 2012, Plaintiff was anxious to return home to the Española Valley. He

wanted to be near his aging parents. Now in possession of considerable expertise in technology, he wanted to give something back to the community where he was raised. A relative informed Plaintiff of an opening for the position of Director of IT at Northern New Mexico College. Plaintiff applied for the job. His qualifications for the position probably exceeded those of anyone NNMC had previously employed. On or about September 25, 2012, Plaintiff was offered the job at a salary of \$95,000 per year. Although this was less than half of what he had earned with Globecom Systems, Inc., Plaintiff was eager to come home and accepted the job offer.

9. At the time Plaintiff began his employment at NNMC his immediate supervisor was Domingo Sanchez, Vice-President of Finance and Administration. Ricky Serna was employed as the Vice-President of Institutional Advancement. Henrietta Trujillo was the Finance Director. Bernie Padilla was the Director of Human Resources. Unbeknownst to Plaintiff, at the time he began his employment, NNMC was deeply in debt and suffering from gross mismanagement, including financial mismanagement, as a result of the acts and omissions of the above-named individuals and others employed at the College during the previous school years.

10. In fact, the New Mexico State Auditor's Office found that during 2012:

- the College lacked adequate internal financial controls and protections against irregularities;
- the College's internal financial controls were so deficient that errors and irregularities could go undetected;
- financial data was not secure;
- there was an improper failure to segregate certain financial duties that

increased the risk of misappropriation of assets through error or fraud;

- there was a lack of control over inventory; that this lack of control over inventory made it difficult to determine which assets had been purchased with federal funds, thus putting the College into non-compliance with Federal rules; and
- the College had overspent its budget.

The 2012 Audit results were not published until long after Plaintiff had accepted the job offer and had begun work.

**IV. The Facts Regarding (A) Plaintiff's Communications to NNMC Regarding the Administration's Actions and Failures to Act that Plaintiff Believed Constituted Improper or Unlawful Conduct, and (B) Plaintiff's Objection and/or Refusal to Participate in Activities or Practices that Constituted Improper or Unlawful Acts**

11. During November 2012, Plaintiff provided Mr. Sanchez with a preliminary assessment of the state of the technology infrastructure. Plaintiff informed him there had been serious mismanagement of the NNMC technology infrastructure. He informed Mr. Sanchez there was no control of data integrity and that NNMC was completely lacking in inventory control. This was a problem later found in an audit conducted by the State Auditor's Office.

12. Plaintiff further found that the NNMC administrators were using equipment that had been purchased for the students through certain Federal Grant Funds. Federal grants require that the recipient must be able to demonstrate that the money received was used for the specific purposes of the grant. NNMC had obtained over \$5,000,000 of technology equipment through federal grants and much, if not most, of it could not be accounted for. Mr. Serna was responsible for managing the federal grants and Finance

Director Henrietta Trujillo, a close associate of Mr. Sanchez, was responsible for tracking how grants were used.

13. Plaintiff also told Mr. Sanchez that the lack of security of data was another critical matter. There was no protection of Social Security numbers, credit card information, personal information of students and employees, etc. Mr. Sanchez acknowledged the problems with the lack of control of data integrity and the lack of inventory control during his meeting with Plaintiff in November 2012. Mr. Sanchez's response, however, was to tell Plaintiff not to deal with these problems yet.

14. During December 2012, Plaintiff began evaluating NNMC's existing IT service contracts. He found that virtually all the service contracts had been unilaterally and improperly approved by Ms. Trujillo. Plaintiff found there had been no technical guidance or recommendations regarding these contracts. He found that Ms. Trujillo had authorized the service contracts without a statement of work setting out what the vendors were to do, a standard practice before committing to such a contract. Plaintiff concluded NNMC was wasting over \$4,000 per month by its improper failure to have reviewed the various service contracts that Ms. Trujillo had approved. He found evidence of violations of the state procurement code in regard to some of these contracts.

15. *Inter alia*, Plaintiff found that Ms. Trujillo had procured the Point of Sale System without following the state procurement code. After requesting price quotations from vendors, Ms. Trujillo had then selected the most expensive quote. Moreover, the equipment she purchased far exceeded the need of the small cafeteria where it was to be used. Ms. Trujillo had decided to pay \$8,500 rather than accept a quote of \$3,500



for a more appropriate system. Furthermore, NNMC was supposed to pay the vendor an additional \$1,800 to have the system she purchased configured.

16. Plaintiff informed Mr. Sanchez of his findings described in the prior two paragraphs and stated that NNMC needed to take action. Mr. Sanchez was not interested. He attempted to steer Plaintiff away from addressing the potential illegality by stating: "the whole place is like that." Mr. Sanchez abruptly ended the conversation when Plaintiff brought up the improper conduct of Ms. Trujillo in the Point of Sale affair.

17. Plaintiff spoke with Mr. Padilla about the fact that NNMC had chosen to pay \$8,500 rather than accept a quote for a more appropriate system that was only \$3,500. Plaintiff asked Mr. Padilla why this had been done. Mr. Padilla stated that Ms. Trujillo was "under suspicion" for what he termed "movidas" that she may have done with the prior purchasing agent, Linda Atencio, in order to allow Ms. Atencio's son to receive the costlier contract.

18. Mr. Sanchez and Mr. Padilla refused to take any action regarding the acts of gross mismanagement and possible unlawful conduct of Ms. Trujillo. Instead, Mr. Sanchez instructed Plaintiff to purchase a new, different system.

19. Around December 2012, Mr. Padilla asked Plaintiff to hire his son for a work-study position. Most, if not all, the money for work-study positions came from a federal grant. Normally, advertisements for these positions were posted in the Financial Aid Office and there was an interview process for interested students. Plaintiff asked Mr. Padilla to show him the procedure he was to follow in regards to work-study hiring and stated he would be happy to interview Mr. Padilla's son for such a position. Mr. Padilla responded that his son did not need to be interviewed. He told Plaintiff this was how

things were handled at NNMC. Plaintiff expressed his concern and asked to see the policy that authorized this process. Mr. Padilla told Plaintiff the matter had been taken care of. Mr. Padilla's son subsequently showed up at Plaintiff's office as a work-study employee.

20. During this same time period, Plaintiff began working with Dr. Steve Martinez, the Dean of College Services, in an effort to come up with new ideas that would generate additional funding for NNMC and improve the educational opportunities for its students. Mr. Sanchez told Plaintiff that it was in Plaintiff's best interest not to associate with Dr. Martinez and told Plaintiff to cease working with Dr. Martinez to obtain additional funding.

21. Around February 2013, Plaintiff had another conversation with Mr. Sanchez about the mismanagement of equipment. Plaintiff told Mr. Sanchez that equipment that had been obtained with federal grant money had not been properly segregated and was not being properly accounted. Instead of taking action to deal with this serious problem, Mr. Sanchez instructed Plaintiff not to deal with the issue.

22. Despite Mr. Sanchez's improper "order" not to associate with Dr. Martinez, Plaintiff continued to associate with him on developing a "dual credit" project to bring NNMC as much as \$1,000,000 from the United States Department of Agriculture. The project would enable students to receive college credit through "electronic classrooms." Cisco Systems Inc. was assisting Plaintiff and Dr. Martinez with a grant application. Dr. Martinez's role was to establish the required relationships with different high schools and Plaintiff's role was to get technology and connectivity to remote locations.

23. During March 2013, Mr. Serna saw Plaintiff talking with Dr. Martinez.

Within two hours Mr. Sanchez approached Plaintiff and again told him it was not in Plaintiff's "best interest" to associate with Dr. Martinez. Plaintiff explained that they were working on a plan that would generate additional revenue for NNMC and that the project was an area in which Dr. Martinez had expertise. Mr. Sanchez told Plaintiff to work on it without Dr. Martinez's assistance. Plaintiff told Mr. Sanchez that Dr. Martinez's expertise was needed in order to be successful in obtaining the funding for the College. Mr. Sanchez ended the discussion by stating: "Did you hear what I said?" NNMC subsequently lost the grant opportunity because the College did not have a viable dual credit program and Cisco Systems Inc. ceased its support.

24. Around March 2013, Plaintiff met with State Senator Richard Martinez in a crowded popular Espanola restaurant where he told Senator Martinez that he had concerns about the integrity of NNMC and the way they were mismanaging data and assets. Upon information and belief, Plaintiff alleges that Mr. Sanchez and/or Mr. Serna and/or Mr. Padilla learned that Plaintiff (and others) had met with Senator Martinez to discuss concerns about the alleged mismanagement of NNMC.

25. During the winter and early spring of 2013, information was appearing on social media that was critical of the management of NNMC. Around April 2013, Plaintiff was told by NNMC Provost Tony Sena that NNMC President Nancy ("Rusty") Barcelo was upset with the criticism. Mr. Sanchez and Mr. Padilla were concerned about the posting of the criticisms and wanted to know who was providing the information that was being posted and who was doing the posting. Plaintiff was instructed to use his technological skills to find out the identities of the persons who were involved with posting statements that were critical of the Administration. Specifically, Plaintiff was

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asked to "snoop around" the computers of certain individuals. Plaintiff told Mr. Sena, Mr. Sanchez and other college administrators that he believed it was improper, unethical and possibly illegal to do this and further told them he would not cooperate in doing this. These persons were unhappy and dissatisfied with Plaintiff for not being willing to do this.

26. Around April 2013, Plaintiff spoke with Mr. Sanchez and told him about the tremendous amount of money that NNMC was wasting by paying for services that were not being delivered. Plaintiff informed Mr. Sanchez that he had renegotiated numerous service contracts and had been able to save the College over \$80,000 a year. Mr. Sanchez's response was not a positive one. He wanted to know why Plaintiff had terminated service with Santa Fe Office Supply. Plaintiff told him that the contract with that company, negotiated by Ms. Trujillo, was a waste of public funds. Plaintiff told Mr. Sanchez the copy machines from Santa Fe Office Supply were over 12 years old and the maintenance contracts were costing more than it would cost to have new copy machines.

27. On or about the middle of April 2013, there was a malware attack on the website at the College. Plaintiff was able to isolate the issue but continued to realize that the firewall that was in place was not effective to protect the College website or its network. Plaintiff informed Mr. Sanchez of this and asked for funding to procure a contractor and rebuild the website with added security features. Plaintiff stated that state procurement procedures would allow the procurement under a method called a BAR, Budget Adjustment Request. Mr. Sanchez told Plaintiff to speak with Finance Director Henrietta Trujillo.



The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be carefully documented to ensure the integrity of the financial data. This includes recording dates, amounts, and the nature of the transactions.

Secondly, the document highlights the need for regular reconciliation of accounts. By comparing internal records with external statements, discrepancies can be identified and corrected promptly. This process helps in preventing errors and fraud, ensuring that the financial statements are reliable.

Thirdly, the document stresses the importance of transparency and accountability. All financial activities should be clearly documented and accessible to relevant stakeholders. This not only builds trust but also facilitates the identification of areas for improvement.

Finally, the document concludes by stating that maintaining good financial practices is essential for the long-term success of any organization. It encourages the implementation of robust financial controls and the adoption of best practices to ensure the accuracy and reliability of financial information.

made from the right accounts. Plaintiff asked, in words to the effect: "Did you not assign me the responsibility to ensure that first it was an adequate solution and then to do a budget check." Mr. Sanchez admitted he had done so and then told Plaintiff just to be thankful for the procurement. As of this date, although the website redesign was paid for in full, the new, redesigned website was never put in place. In short, the payment for the redesign was a waste of public money.

31. On May 6, 2013, Plaintiff went to check on a virus infection on a computer in the Automotive Department. In conducting the check, Plaintiff saw the computer had been used to browse numerous pornography sites, including many that appeared to involve child pornography. Plaintiff knew that school computers were not to be used to browse for pornography and such use violated policy. He believed that the use of a state school computer to browse for child pornography was likely unlawful and that such misconduct was certainly a basis for termination. Plaintiff took possession of the computer, had it transferred to NNMC Security, and notified Mr. Padilla and Mr. Sanchez that same day of what he had discovered.

32. Mr. Padilla informed Plaintiff that management would notify Plaintiff and Security on how to proceed once a decision had been made and asked Plaintiff to tell them what he felt should be done. On May 7, 2013, Plaintiff told Sanchez and Padilla that he believed the matter needed to be acted on, that he felt it was his responsibility to report what he had discovered because it went beyond College policies, and that the person should be terminated once he was identified. Plaintiff asked Mr. Padilla to inform him what action was going to be taken.

33. Later that day, Plaintiff learned that NNMC had decided to take no



asked to “snoop around” the computers of certain individuals. Plaintiff told Mr. Sena, Mr. Sanchez and other college administrators that he believed it was improper, unethical and possibly illegal to do this and further told them he would not cooperate in doing this. These persons were unhappy and dissatisfied with Plaintiff for not being willing to do this.

26. Around April 2013, Plaintiff spoke with Mr. Sanchez and told him about the tremendous amount of money that NNMC was wasting by paying for services that were not being delivered. Plaintiff informed Mr. Sanchez that he had renegotiated numerous service contracts and had been able to save the College over \$80,000 a year. Mr. Sanchez’s response was not a positive one. He wanted to know why Plaintiff had terminated service with Santa Fe Office Supply. Plaintiff told him that the contract with that company, negotiated by Ms. Trujillo, was a waste of public funds. Plaintiff told Mr. Sanchez the copy machines from Santa Fe Office Supply were over 12 years old and the maintenance contracts were costing more than it would cost to have new copy machines.

27. On or about the middle of April 2013, there was a malware attack on the website at the College. Plaintiff was able to isolate the issue but continued to realize that the firewall that was in place was not effective to protect the College website or its network. Plaintiff informed Mr. Sanchez of this and asked for funding to procure a contractor and rebuild the website with added security features. Plaintiff stated that state procurement procedures would allow the procurement under a method called a BAR, Budget Adjustment Request. Mr. Sanchez told Plaintiff to speak with Finance Director Henrietta Trujillo.



28. Plaintiff spoke with Ms. Trujillo, as instructed. Ms. Trujillo told him that the College had a low cashflow and was unable to pay vendors for any services until the budget was approved. Plaintiff told her that NNMC had received some appropriated funding during the recent legislative session (\$150,000) and this could provide the funds required for rebuilding the website and creating a new firewall. Ms. Trujillo told Plaintiff that she would discuss this with Mr. Sanchez.

29. Plaintiff did not hear back for a week and advised Mr. Sanchez again that this was an urgent matter. Mr. Sanchez stated that Ms. Trujillo would write a check for the contractors developing the website and the firewall. Plaintiff asked Mr. Sanchez where the funding had come from. Mr. Sanchez declined to answer, but stated "we were able to cover it." Concerned that NNMC may have taken the money from an improper source, Plaintiff told Mr. Sanchez of the comment Ms. Trujillo had made about cash flow. Mr. Sanchez told Plaintiff not to worry about it, that "we got it covered." The website redesign cost \$25,000 and the firewall with services cost approximately \$50,000.

30. Subsequently, Plaintiff conducted some research into the NNMC budget and learned that the funding for those two projects was improperly taken from a federal grant intended for other work. Plaintiff spoke first with Ms. Trujillo about this. She told him that he had not been asked to assist with the BAR, and Plaintiff pointed out that the budget line item from which the funds came was listed under "federal grants." Finance Director Trujillo told Plaintiff to speak with Mr. Sanchez about it and Plaintiff did so. Mr. Sanchez asked Plaintiff how he had obtained the information. Plaintiff told Mr. Sanchez that it was within his responsibility to ensure that expenditures were being

made from the right accounts. Plaintiff asked, in words to the effect: "Did you not assign me the responsibility to ensure that first it was an adequate solution and then to do a budget check." Mr. Sanchez admitted he had done so and then told Plaintiff just to be thankful for the procurement. As of this date, although the website redesign was paid for in full, the new, redesigned website was never put in place. In short, the payment for the redesign was a waste of public money.

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32. Mr. Padilla informed Plaintiff that management would notify Plaintiff and Security on how to proceed once a decision had been made and asked Plaintiff to tell them what he felt should be done. On May 7, 2013, Plaintiff told Sanchez and Padilla that he believed the matter needed to be acted on, that he felt it was his responsibility to report what he had discovered because it went beyond College policies, and that the person should be terminated once he was identified. Plaintiff asked Mr. Padilla to inform him what action was going to be taken.

33. Later that day, Plaintiff learned that NNMC had decided to take no

disciplinary action against the person using the NNMC computer for pornography, but would transfer the computer to the Española City Police. As of the date Plaintiff was terminated and to the current date, to Plaintiff's knowledge no disciplinary or other internal action was ever taken by NNMC against the offending individual.

34. During May 2013, Plaintiff again spoke with Mr. Sanchez about the procurement violations he had discovered, including the violations engaged in by Ms. Trujillo in regard to the purchase of the Point of Sale system that Mr. Padilla had previously termed a "movida." Mr. Sanchez again made it clear to Plaintiff that he did not want these potentially criminal matters pursued, stating: "That is the past. Forget about it." Plaintiff told Mr. Sanchez that he (Plaintiff) felt he had to act on this. Mr. Sanchez's demeanor and tone made it clear to Plaintiff that Mr. Sanchez was upset with Plaintiff's response to the command to forget about the possible violations of the state procurement code.

35. Around this same time, Mr. Padilla asked Plaintiff to hire his son as a temporary employee for the summer. The work-study position was about to end. Plaintiff told Mr. Padilla he did not have the funds to hire his son for the summer. Mr. Padilla told Plaintiff to talk to Mr. Sanchez. Plaintiff repeated that there were no funds to hire his son. Mr. Padilla again told Plaintiff to talk to Mr. Sanchez. Plaintiff told Mr. Padilla he would not do so. Mr. Padilla approached Plaintiff the following day and again asked him to hire his son and Plaintiff again told him there were no funds to do so.

36. The day after the work-study program ended, Plaintiff found Mr. Padilla's son sitting in his office. Plaintiff asked him how he was getting paid now that the work-

study program had ended. He told Plaintiff that he had been hired as a temporary employee for the summer. Plaintiff contacted Mr. Padilla and stated that he had not interviewed his son or any other candidate for the position, and that he had not signed any paperwork approving the hiring. Mr. Padilla told Plaintiff it was all taken care of. Plaintiff asked who had processed the paperwork required by NNMC policy and Mr. Padilla stated that he (Padilla) had taken care of it. Plaintiff responded that he was not prepared to accept an employee when policy had not been followed. Mr. Padilla stated: "I told you, I took care of it."

37. During the spring of 2013, Plaintiff began to investigate NNMC's procurement of Degree Works, a software package used to collect past and current student data for the purpose, *inter alia*, of assisting students in ascertaining the best path forward for completion of their degrees. The program had been purchased around 2010 from a vendor named Elucian with the use of three federal grants. The initial procurement cost was \$89,000 and was completed by the previous Registrar at the College, Jan Dawson, with the approval of the College Executive Team. This team had included Mr. Serna, Mr. Sanchez and NNMC President Rusty Barcelo.

38. Joe Martinez, the Database Administrator, had brought the Degree Works matter to Plaintiff's attention. Mr. Martinez had received repeated emails and calls from Elucian demanding payment of bills. Plaintiff then began to research NNMC's obligation to Elucian. Plaintiff spoke with Andrea Martinez, then the Grants Manager. She told Plaintiff she had stopped making payments to Elucian because the College was continuing to receive invoices that were in excess of the contracted amount.

39. Plaintiff learned that the College had purchased the system, had

negligently failed to take into account the additional fees that were required for the maintenance and operation of the Degree Works program, and lacked the funds to operate and maintain it. During May 2013, Plaintiff informed Mr. Serna that NNMC would have to come up with substantial funds in order to fully deploy the program in the manner it was supposed to be used. This included the hiring of a full time Database Administrator with an annual salary of \$50,000-65,000, plus benefits. This was another cost that the NNMC officials had negligently failed to figure into the price of the system at the time they decided to purchase Degree Works. Plaintiff also told Mr. Serna that if they did not launch the program, NNMC would be obligated to repay to the granting federal agencies the original purchase price, which, with various costs in addition to the procurement price, was over \$118,000. Plaintiff told Serna that NNMC might also be assessed a penalty for misuse of the federal grant. Mr. Serna responded in a hostile manner to the information from Plaintiff about the misfeasance that had occurred in the purchase of the program. He said he was well aware of the problem and, in a condescending manner, stated: "Don't you know I'm in charge of all grants in the College?"

40. Plaintiff told Mr. Sanchez about the financial problems NNMC was facing with Elucian and that he was getting calls and emails requesting payments for work done by Elucian on the Degree Works program that were above and beyond the purchase price. He explained that Elucian's collection efforts were getting more aggressive. Mr. Sanchez put Plaintiff off, stating he would look into the matter and then advise Plaintiff what the next step would be.

41. Plaintiff made it clear to Mr. Sanchez and/or Mr. Serna that he was

concerned about the mismanagement that had occurred in the procurement of this program that had resulted in the actual cost being tens of thousands of dollars more than the College had budgeted for the program. He made his findings clear to them -- that there had been no oversight of the original procurement and that there was inadequate accounting of the billing received after the initial purchase. Plaintiff told both Mr. Sanchez and Mr. Serna that the mismanagement that had allowed this to happen was unacceptable not only for the vendor but for the College. He repeated to both administrators that the program could not be launched without the required team in place, that the College had bought the program with federal grant money without having sufficient funds to implement it, and that there was a potential for federal penalties.

42. During May-June 2013, Plaintiff expressed to Mr. Sanchez his concerns with the lack of proper management and fiscal safeguards associated with the purchase of another system, the Blackboard software system. This system had been purchased by NNMC with state funds around 2010. NMCC had failed to pay a \$55,000 bill that was due on or about July 1, 2012, and had until June 30, 2013, to pay it. A second bill in the amount of \$55,000 was due for payment on July 1, 2013. The College had no funds available to pay these bills. Plaintiff told Mr. Sanchez the IT budget could not cover these bills. Mr. Sanchez said he would go to the State of New Mexico for emergency funds. Plaintiff told him that this was not likely to be successful because the State was unlikely to give funds for something that the College had mismanaged.

43. Mr. Sanchez then told Plaintiff to use funds intended for a different service to pay these bills until Mr. Sanchez could figure out how to get additional funds to cover the \$110,000. Plaintiff viewed this as a request to engage in improper conduct. He told

Mr. Sanchez that NNMC had additional vendors demanding payment and that these vendors needed to be paid with the funds that had been allocated for such payments.

44. Mr. Sanchez then said they could use state funds given for Equipment Repair and Replacement. Plaintiff's budget for Equipment Repair and Replacement was only \$70,000 for the fiscal year and if \$55,000 were taken from that budget, it would leave his department without sufficient funds for the upcoming school year to repair and replace equipment. Plaintiff told Mr. Sanchez that NNMC's IT Department could not be effectively managed if there were only \$15,000 in such funds for the year. Mr. Sanchez told Plaintiff that Plaintiff had no choice.

45. On or about June 11, 2013, Plaintiff began a series of meetings with Mr. Sanchez where he discussed his concerns about the state of financial mismanagement at the College as it related to service contracts, grant funding, and the amount of invoices the College was unable to pay. Of particular concern were the invoices coming in from Elucian for Degree Works. Mr. Sanchez had little to say other than telling Plaintiff they would "revisit" the matter at some future date.

46. During June 2013, Plaintiff spoke with Mr. Sanchez about the fact that Plaintiff had received approximately \$90,000 in invoices for payments due for another system, the Banner software system, and there were insufficient funds to pay what was owed. This system had been purchased by NNMC around 2005. The program was only 20% utilized and was costing the College around \$92,000 per year. Plaintiff told Mr. Sanchez that because the program had not been properly utilized by the Administration, NNMC had been wasting \$92,000 per year since 2005. This was due to NNMC leadership's failure to take the necessary steps to bring about full utilization, *i.e.*,



to require staff to take the training to fully utilize what the system offered.

47. Plaintiff told Mr. Sanchez that NNMC should either increase utilization of the Banner system or terminate portions of the contract, if that was possible. Mr. Sanchez told Plaintiff to keep holding off the vendors. Plaintiff told Mr. Sanchez that he was not comfortable telling the vendors anything other than the truth, and would refer the vendors to Mr. Sanchez. Plaintiff told Mr. Sanchez that he was uncomfortable with the incompetent manner in which NNMC's finances were being budgeted and handled.

48. Brenda Martinez was the Student Success Center Coordinator/Director at NNMC. Ms. Martinez worked under Dr. Steve Martinez. NNMC management had decided to fire her before the end of the 2012-13 school year. Plaintiff was highly critical of this action because of the negative impacts it was likely to have on the College student body. During June 2013, Plaintiff told Mr. Sanchez that the termination of Ms. Martinez had placed NNMC at risk because she was the only employee certified to administer GED examinations. Plaintiff told Mr. Sanchez there were strict guidelines regarding who could administer such tests, there were rules that had to be followed, and no one else at the College could do this other than Ms. Martinez. In fact, Plaintiff showed Mr. Sanchez the GED Examiner's Manual policies regarding the eligibility for GED examiners. Plaintiff requested that Ms. Martinez be kept on board. Mr. Sanchez replied that this decision had already been made and there was nothing to be done about it. Plaintiff told Mr. Sanchez that he wanted to make his position clear and to go on record with his opinion that this was a mistake that could jeopardize the students.

49. During June 2013, Mr. Sanchez told Chris Trujillo (NNMC Lead IT Specialist) and Plaintiff to configure Mr. Sanchez's desktop computer at the College so

that he could access what he called his "home network." Plaintiff questioned whether this network involved College-owned equipment and whether it was a College network. Mr. Sanchez told him: "not exactly." Mr. Sanchez said he wanted to be able to access his home computer for his private business. Mr. Sanchez had previously told Plaintiff that he was going to use a financial database that had been created for the College to help him obtain a state contract for his private business. Mr. Sanchez asked Plaintiff numerous questions about running the technology side of a business. Plaintiff made it clear to Mr. Sanchez that he believed Mr. Sanchez was seeking consultant-type information for his personal use that did not involve NNMC business and Plaintiff was not prepared to provide this information in the context of his employment with NNMC because it was for Mr. Sanchez's private benefit. In addition to the fact that he was being ordered to assist Mr. Sanchez on his private business venture, Plaintiff was concerned that allowing Mr. Sanchez to connect to the College network from a remote source (his home) without proper policies and protocols in place would provide another opportunity for the already compromised network at NNMC to be further compromised in regard to sensitive data. However, Plaintiff did as he was ordered.

50. During the first part of June 2013, Plaintiff advised Mr. Sanchez and Ms. Trujillo that NNMC was facing inventory losses in the area of \$2,000,000-\$2,500,000. A preliminary sampling of College property showed that out of 585 items only 60 items were entered into the College property-tracking system. Plaintiff advised that the College could face fines and penalties if the program managers of the various grants used to purchase equipment decided to audit the College. Mr. Sanchez was not interested in addressing this problem and attempted to deflect Plaintiff by stating that

the Administration would get around to dealing with it. Plaintiff responded by expressing his strong concern that the College was out of compliance with the requirements of various grants and that there were issues of legality, ethics and integrity involved. Plaintiff attempted to make Mr. Sanchez understand that he would have to go above Mr. Sanchez and report this serious matter if nothing were done.

**V. Plaintiff's Termination from Employment by NNMC**

51. During early June 2013, Plaintiff walked into his office and found NNMC employee Monique Romero holding his iPad. Ms. Romero was a close associate of Mr. Serna. Plaintiff demanded to know what she was doing with his iPad. Ms. Romero had no explanation and weakly stated she had wanted to borrow it (without his knowledge or consent). Plaintiff then asked her why she was in his office. Ms. Romero responded by saying "sorry" and then left. Shortly after this, Plaintiff observed Mr. Serna speaking with Ms. Romero.

52. On or about June 10, 2013, Plaintiff realized that his iPad was missing.

53. Plaintiff was frustrated by Mr. Sanchez's response to what Plaintiff understood was a serious problem regarding NNMC's huge inventory losses. Based on Mr. Sanchez's attitude and his prior failures to act on problems brought to his attention by Plaintiff, Plaintiff concluded that nothing was going to be done to address the issue. On June 18, 2013, Plaintiff sent a text message to State Senator Richard Martinez on his work-issued cell phone. The message stated: "We need to speak of funding concerns and ethics violations."

54. On June 21, 2013, Plaintiff noticed that his work-issued cell phone was missing. He obtained the help of a maintenance department employee to assist him in

looking for it but they could not find it. In fact, the phone was not lost but was in the possession of NNMC personnel. During the time the NNMC personnel had Plaintiff's cell phone, they read his text messages.

55. On June 24, 2013, Plaintiff arrived at work around 7:30 am and found his computer had been taken from his desk. He immediately went to Mr. Sanchez's office and found Mr. Sanchez there with Mr. Padilla. Plaintiff was told to sit down. He was handed a letter stating that he had been placed on administrative leave for the remainder of the school year and that his contract would not be renewed for the 2013-14 school year. The letter did not provide any reason for either action. At no time prior to June 24, 2013, had Mr. Sanchez, Mr. Padilla, Mr. Serna or any other NNMC official ever questioned Plaintiff about any alleged wrongful conduct or suggested that he might be terminated. Plaintiff was in a state of shock.

56. Plaintiff asked Mr. Sanchez and Mr. Padilla for the reason he had been placed on administrative leave and his contract not renewed. Plaintiff was not given any reason for either action. Mr. Sanchez stated: "I don't need to tell you anything."

57. Plaintiff was told to give his keys to Mr. Sanchez and was then subjected to the humiliation of being publicly escorted off the campus by a security guard without even having the opportunity to collect his personal belongings.

58. After Plaintiff was removed from the campus, Mr. Sanchez or another high-ranking NNMC administrative employee who had possession of Plaintiff's cell phone, gave it to another employee.

59. Under NNMC's Staff Handbook, administrative suspension/leave was a form of discipline to be used only for serious incidents of misconduct or where an

employee has previously been subjected to less severe forms of discipline. At the time Plaintiff was placed on administrative leave and told his contract would not be renewed, Plaintiff had performed his job in a highly satisfactory manner. He had not been subjected to any form of corrective discipline for any type of alleged misconduct and had not engaged in any misconduct. Moreover, NNMC policy required that an employee placed on leave for alleged misconduct be informed in writing of the reason for the adverse action. Plaintiff was not so informed. In fact, Defendant failed to follow any of its policies and procedures in regard to Plaintiff's forced leave or the non-renewal of his contract.

60. Plaintiff was placed on leave and denied re-employment despite the fact that his work performance had been excellent and despite the fact that he had not engaged in conduct which would have justified such treatment. In fact, Plaintiff was more qualified for the position from which he was terminated than the person who was hired to replace him.

61. Plaintiff was placed on administrative leave and then denied re-employment by Defendant in retaliation for his repeated communications to his public employer and/or to Senator Martinez described above in this Complaint about the actions or failures to act by NNMC administrative officials that Plaintiff believed in good faith constituted an unlawful and/or improper act. These actions were also taken by Defendant because Plaintiff objected to and/or refused to participate in activities or practices at NNMC described above in this Complaint that constituted an unlawful or improper act. Any so-called "legitimate explanation" that Defendant may proffer as to its conduct is a pretext to conceal its retaliatory animus.

62. In a further effort to retaliate against and punish Plaintiff for his protected conduct, Defendant, acting through its high-ranking administrators, has made material misrepresentations about Plaintiff's work performance to prospective employers who have inquired with NNMC about Plaintiff and have damaged Plaintiff's ability to obtain employment.

63. Defendant NNMC is liable for the acts of Mr. Sanchez, Mr. Padilla, Mr. Serna and all other NNMC administrative officials involved in the actions complained of in this Complaint.

64. The adverse actions taken against Plaintiff by Defendant were part of a pattern and practice of retaliation engaged in by Defendant, acting through Mr. Sanchez, Mr. Serna, Mr. Padilla and others, against NNMC employees who communicated to Defendant's officers and/or to third parties about acts or failures to act by Defendant that these employees believed in good faith to be improper or unlawful acts. This pattern and practice was calculated to intimidate employees and keep them from questioning improper and/or unlawful acts by the College administration and was a direct cause of the injuries suffered by Plaintiff.

65. As a direct and proximate result of the retaliatory acts of Defendant, Plaintiff Angelo Jacques suffered and continues to suffer significant economic loss of back pay and future earnings, severe emotional distress, humiliation, embarrassment, damage to his professional reputation, stress-related physical pain and suffering and medical provider bills.

## **VI. Jury Demand**

66. Plaintiff hereby demands that his claims be heard by a six-person jury.

WHEREFORE, Plaintiff prays for the following relief against Defendant:

1. Compensatory damages in an amount to be determined by the jury against Defendant.
2. Double back pay as provided by 1978 NMSA, §10-16C-4.
3. Reinstatement to his position
4. Pre-judgment and post-judgment interest.
5. Attorneys Fees and costs as provided by 1978 NMSA, §10-16C-4.
6. Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

/s/ DANIEL YOHALEM

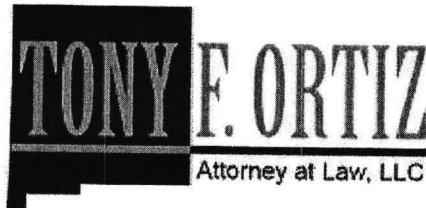
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July 10, 2014

**VIA – EMAIL and  
FIRST CLASS MAIL**

Annette M. Rodríguez  
PO Box 963  
Chimayo, NM 87522  
[annette\\_rodriguez@brown.edu](mailto:annette_rodriguez@brown.edu)

***RE: Your Recent Correspondence Regarding NNMC***

Dear Ms. Rodriguez:

This law firm represents the NNMC Board of Regents. The College has provided me with examples of correspondence that you have sent to national organizations and individuals regarding your concerns about the leadership at NNMC. While you certainly are entitled to your opinion, the College needs to be very clear about its position concerning what it perceives as gross misinformation being circulated by you.

First, you are no longer an employee of the College. For that reason, it is misleading and disingenuous to identify yourself in your correspondence as an adjunct faculty member. This gives the recipient an incorrect impression about the source of the opinion. Similarly, the constant use of pronouns such as “we” or “us”, or referring to NNMC as “our college”---when you also sign the letter as an adjunct faculty member---suggests that you are speaking for staff members.

NNMC demands that you cease and desist in identifying yourself as an employee. Furthermore, please be advised that when the College elects to respond to your correspondence with these organizations and individuals, you have given the College little choice but to correct and publish your status as a non-renewed adjunct instructor to clarify the context in which your letters are being drafted. Please advise me whether you plan to clarify/correct your

**Tony F. Ortiz**  
ATTORNEY AT LAW, LLC

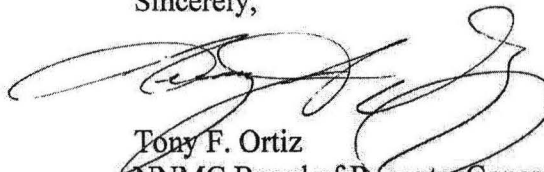
Annette M. Rodriguez  
July 10, 2014  
Page 2

status with all recipients of your correspondence, and please provide copies showing that you have done so no later than July 18, 2014. Otherwise, the College retains the right to clarify those issues as it deems fit.

Second, some of your efforts appear aimed at harming the College and its funding sources. Again, while you are entitled to your opinions, you are responsible for the outcomes. In that regard, I am advising you that if your comments libel/slander any administrator/regent of the College or if your comments otherwise harm the College's financial status, the College reserves the right to defend itself through all legal avenues.

I thank you for your attention to these matters.

Sincerely,



Tony F. Ortiz  
NNMC Board of Regents, General Counsel



TONY F. ORTIZ

NADINE M. BLAKE  
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June 24, 2014

**VIA – EMAIL and**  
**FIRST CLASS MAIL**

Annette M. Rodríguez  
PO Box 963  
Chimayo, NM 87522  
[annette\\_rodriguez@brown.edu](mailto:annette_rodriguez@brown.edu)

RE: Your IPRA Requests

Dear Ms. Rodriguez:

This law firm represents the NNMC Board of Regents. Regarding all of your pending IPRA requests, the College has directed me to facilitate and serve as your point of communication.

At last count, you had submitted twenty-nine (29) IPRA requests to the College within the last two months. Each of your requests involves multiple subparts, amounting to hundreds of separate requests. Furthermore, locating and assessing all of your requests will involve substantial amounts of time. While the College has acknowledged receipt of these requests and has provided some preliminary assessments of the time needed to respond, the College is currently reviewing how best to handle this unusual volume of requests, particularly considering the very substantial aggregate total of information sought.

Due to the sheer volume, excessively burdensome nature, and broad range of your multiple requests, particularly when viewed in the aggregate, the College is invoking its rights under Section 14-2-10 of IPRA, which addresses excessively burdensome or broad requests. To that end, this letter hereby replaces and supersedes any previous dates for response dates to your IPRA requests that the College may have communicated to you. Because the College is allowed additional reasonable time within which to comply under the law, the College will seek to complete all of your requests **no later than December 15, 2014**. Please be advised that additional requests by you from this point forward may require that this deadline be extended. While the College will

Annette M. Rodriguez  
June 24, 2014  
Page 2

attempt to provide responses to you as they become available, no materials will be due until the December date listed.

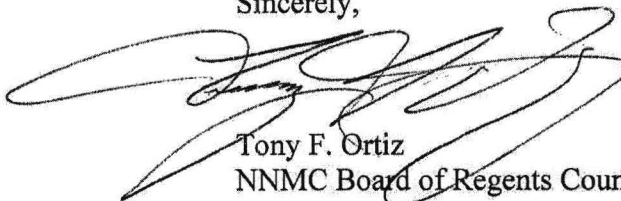
On a related matter, I noticed that many of your requests are vague or do not have date ranges attached to them. The College is not required to respond to vague or indiscernible inquiries, or to those that do not have a reasonable time range associated to them. To the degree that you are able to narrow the scope of your requests or to better define them, it may shorten the period for response and avoid the possibility of no response because the College could not decipher your request.

In addition, I am now your *sole contact* regarding your IPRA requests. Said another way, you are not to contact the College directly regarding these matters. If you have additional requests for records or any other requests of the College, you are to direct them to my office in writing only. If you call the College, you will be reminded that you are to contact my office in writing. The College will not respond to you directly or discuss your IPRA requests with you. In that regard, you should also discontinue sending copies of your correspondence to any Board members or staff of NNMC, as they will not review or respond to your copies.

If you ignore this directive, insist on interfering with staff or the Board, or otherwise attempt to disrupt the operations of the College, the Board reserves its right to utilize appropriate legal means to defend its interests.

Thank you in advance for your compliance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony F. Ortiz', is written over a horizontal line.

Tony F. Ortiz  
NNMC Board of Regents Counsel

**YOUTZ & VALDEZ, P.C.**  
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July 25, 2014

*Via E-mail tony@tonyortizlaw.com & US Mail*

Tony F. Ortiz, Esq.  
Attorney at Law, LLC  
2011 Botolph Rd., Suite 200  
Santa Fe, N.M. 87505

**Re: Annette Rodriguez's IPRA Requests to Northern New Mexico College**

Dear Mr. Ortiz

Our law firm represents Annette Rodriguez in her pursuit of public records from Northern New Mexico College. Ms. Rodriguez referred to me your June 24, 2014, letter stating that the College is (1) refusing to respond to her request to inspect public records within a reasonable period of time and (2) seeking to admonish her and restrict the exercise of her rights under New Mexico law.

As you know, it is the declared policy of the State of New Mexico that "all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees." NMSA 1978, § 14-2-5 (1993). It is difficult to understand your insistence on taking note of Ms. Rodriguez's status as a former employee of the College. As you know, IPRA requests are not restricted to certain segments of the population; indeed, the statute is clear: "*Any person* wishing to inspect public records may submit an oral or written request to the custodian." § 14-2-8 (1993) (emphasis added). "No person requesting records shall be required to state the reason for inspecting the records." *Id.*

A general response stating that it will take six months to respond to Ms. Rodriguez's requests is inadequate without further explanation as to why at least most of the requests for specific documents of relatively short length cannot be produced immediately. For example, the El Rito Water Memorandum of Understanding should not take six months to produce. Nor should the contract with your law firm or the Basham firm, as well as billing statements. Neither is it apparent why the simple \$5,000 contract with H&H Investigators and related expense sheets cannot be produced in due course. I could go on. Some of the documents are distributed routinely at monthly Board of Regents meetings. Nowhere do you indicate why these clearly delineated and accessible documents are impossible to produce in less than six months' time.

Your intransigence is particularly curious considering that your custodian of public records, Ms. Cordova, previously assessed these requests and indicated that the requests would be filled between June 20<sup>th</sup> and July 18<sup>th</sup>, 2014. That's a matter of mere weeks (rather than months), suggesting that the requests were not unreasonable, unduly burdensome, or impossible to fulfill.

*Celebrating Our 10<sup>th</sup> Year in Business*



NEW MEXICO OFFICE:  
900 GOLD AVENUE SW  
ALBUQUERQUE, NEW MEXICO 87102

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555 CAPITOL, SUITE 700  
SACRAMENTO, CALIFORNIA 95814

A press release issued by the College indicates that the cost of complying with records requests from all parties is a concern. Note that the New Mexico Court of Appeals has said that, in certain circumstances, "[t]he interest in protecting public funds does not outweigh the public interest in accessing public records" when citizens are seeking to "encourage accountability in public officials and employees." *Board of Com'rs of Dona Ana County v. Las Cruces Sun-News*, 2003-NMCA-10, ¶ 29, 134 N.M. 283, 76 P.3d 36.

You are required to provide Ms. Rodriguez with a written explanation of the denial that describes each record sought and the reasons for the denial. A blanket complaint of "burdensome" is insufficient, especially in light of the records custodian's initial willingness to comply to the request within an arguably reasonable period of time.

Do know that if inspection is not permitted within a reasonable time, we will consider the request denied and pursue remedies available under the Act, including penalties of \$100 per day, plus court costs and attorney's fees.

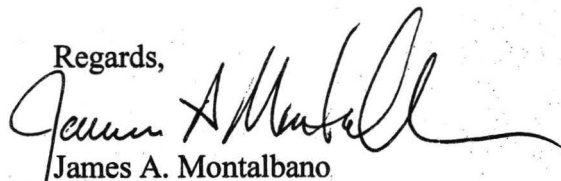
Finally, I am bewildered by your admonition to Ms. Rodriguez to cease contact with the College's custodian of public records. I'm curious as to the legal basis for denying a member of the public lawfully protected access to records kept by a public institution of higher learning. Under what legal theory must a member of the public go through a college's attorney in order to request public records (or in order to communicate with appointed public officials)? A further explanation of your "order" to Ms. Rodriguez would be appreciated.

Ms. Rodriguez and other members of the public have a basic right to the public documents generated by a tax-supported college. "IPRA is intended to ensure that the public servants of New Mexico remain accountable to the people they serve." *San Juan Agric. Water Users Ass'n v. KNME-TV*, 2011-NMSC-011, ¶ 16, 150 N.M. 64, 257 P.3d 884.

Refusing to turn over documents until mid-December does not constitute a reasonable period of time to permit the records to be inspected. We will expect an appropriate response to all IPRA requests – those made since May and up until this date – within fifteen (15) days. If no response is forthcoming, we will proceed toward legal action to remedy this breach of the public's right to know.

I appreciate your attention to this matter, and I thank you in advance for the College's compliance in fulfilling this request to inspect public records.

Regards,



James A. Montalbano

cc: Gary King, New Mexico Attorney General  
Annette Rodriguez

# NORTHERN New Mexico College



August 8, 2014,

Annette Rodriguez  
PO Box 963  
Chimayo, NM 87522  
Annette\_rodriguez@brown.edu

Dear Ms. Rodriguez:

This letter is in response to your IPRA Request dated June 2, 2014 in which you requested:

- All contracts entered with Timothy R. Pitcher and/or Steven Strand *DBA* Monument, LLC.
- All rental agreements/leases entered with Timothy R. Pitcher and/or Steven Strand *DBA* Monument, LLC.
- All purchase orders/ purchase requests generated for Timothy R. Pitcher and/or Steven Strand *DBA* Monument, LLC
- All invoices generated for Timothy R. Pitcher and/or Steven Strand *DBA* Monument, LLC.
- All payment records to Timothy R. Pitcher and/or Steven Strand *DBA* Monument, LLC.

Please be advised that no such documents exist.

Sincerely,

Brandi Cordova  
NNMC Public Records Custodian





**NOTICE**

The Board of Regents of Northern New Mexico College will hold a **special meeting** on **Thursday, August 14, 2014 at 7:00 p.m.** at La Cocina Restaurant, 310 Old Los Alamos Highway, Espanola, New Mexico 87532.

**FINAL AGENDA  
FOR  
BOARD OF REGENTS SPECIAL MEETING**

- I. CALL TO ORDER**
- II. APPROVAL OF AGENDA**
- III. EXECUTIVE SESSION** (The Board may enter into Executive Session pursuant to Sections 10-15-1(H)(2), 10-15-1(H)(7), and 10-15-1(H)(5) of the Open Meetings Act to discuss limited personnel matters, legal matters, and collective bargaining issues. Any action taken by the Board will be made in open session.)
- IV. NEW BUSINESS**
  - A. Approval of Student Housing Resolution by Domingo Sanchez**
- V. ADJOURNMENT**

*In accordance with the Americans with Disabilities Act (ADA), physically challenged individuals who require special accommodations should contact the President's Office at 505-747-2140 at least one week prior to the meeting or as soon as possible.*

# NORTHERN New Mexico College



## Northern New Mexico College Executive Proclamation

### **TO PROVIDE STUDENT HOUSING ON THE MAIN CAMPUS OF NORTHERN NEW MEXICO COLLEGE LOCATED IN ESPANOLA, NEW MEXICO**

**WHEREAS**, Northern New Mexico College is a Hispanic- and Native American-serving comprehensive institution that strives for cultural sustainability, quality student learning and developing economically strong communities among diverse populations; and

**WHEREAS**, Northern New Mexico College has been serving the Espanola Valley and El Rito area for over 100 years; and

**WHEREAS**, Ninety Three percent (93%) of Northern students are from New Mexico, and Sixty Seven percent (67%) of students served are from Rio Arriba County and Twenty Seven percent (27%) are from Santa Fe County; and

**WHEREAS**, In order to continue to grow and work toward its vision, Northern New Mexico College must possess the capacity to actively recruit students from outside the immediate service area; and

**WHEREAS**, The lack of local rental properties and on-campus student housing, prevents Northern from attracting students from out of region or out of State; and

**WHEREAS**, effective economic and community development on the behalf of our citizens requires a strategic collaborative effort on a regional basis by all essential government subdivisions, vital institutions and the private sector; and

**WHEREAS**, Northern's efforts to construct residence halls on its Española campus has received the full support of both the City Council and County Commission; and

**WHEREAS**, many local and regional businesses, including Northern, will benefit from the availability of residential housing for freshmen and upper classmen students interested in attending the college and living on campus; and

**WHEREAS**, construction and ongoing operations of student housing will generate millions of dollars in revenues for the local economy, further increasing the local tax base and employing Northern New Mexico residents, including residents of Española; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Regents of Northern New Mexico College fully supports the building of student housing and moving forward in a public-private partnership with Monument L.L.C.; and

**THEREFORE, BE IT FURTHER RESOLVED**, the Board of Regents requests that this resolution be transmitted to all members of the Northern New Mexico Legislative Delegation.

PASSED, APPROVED and ADOPTED this 7<sup>th</sup> day of AUGUST, 2014.

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Board President

Attest:

---

Board Secretary

Report# 118529009

STATE OF NEW MEXICO

Page 3 of 3

Date: 08/28/2013	Phone: (575)581-4145
Name: MELISSA VELASQUEZ	
Title: EL RITO CAMPUS DIRECTOR	
Action Taken: It is unknown if action was taken.	

Involved/Aware Parties : YES
Name: HECTOR BALDERAS
Title: NEW MEXICO STATE AUDITOR
Role: Other

Ethics and Compliance Hotline

General Information	
Caller Name: Declined	Client Name: State of New Mexico
Type: Not Specified	Location #: 006
	DBA: HIGHER EDUCATION
	Address: HIGHWAY 554
	City,State,Zip: EL RITO - NM 87530
	Country: USA
	Phone:
Report #: 118529009	
Priority: 2	
Trans #: 2	
Rpt Date: 09/03/2013	
Time: 02:11PM	
Origin: Phone Call	

Summary Information	
WHO:	Caller, name declined, reported DOMINGO SANCHEZ and TONY SENA.
WHAT:	Accounting/Audit Irregularities
WHEN:	ONGOING SINCE 2012, EXACT DATE UNKNOWN
WHERE:	EL RITO CAMPUS, ESPANOLA CAMPUS, NORTHERN NEW MEXICO COLLEGE

Incident Description	
7/14/2014 1:53:26 PM - Client Call Back	
Thank you for contacting the Office of the State Auditor (OSA) Fraud Hotline. The OSA Special Investigations Division (SID) may conduct initial fact finding procedures pursuant to the Audit Act Sections 12-6 NMSA 1978 et. seq.: and specifically the Audit Rule, Sections 2.2.2.15 C (1) NMAC, which states that "The state auditor may conduct fact-finding procedures in connection with reports of financial fraud, waste and abuse in government made by agencies, IPAs or members of the public.(2) Pursuant to Section 12-6-6 NMSA 1978 and Subsection K of 2.2.2.10 NMAC, every agency and IPA shall notify the state auditor immediately, in writing, upon discovery of any violation of a criminal statute in connection with financial affairs. In addition, upon discovery, the state auditor shall immediately report a violation of a criminal statute in connection with financial affairs to the proper prosecuting officer and furnish the officer with all data and information in his possession relative to the violation." If the caller has additional information or questions for the OSA SID they are encouraged to utilize the Hotline reporting mechanism or they may contact the OSA directly, 505-476-3800, and providing the case number assigned to their issue. Please check frequently back for update and/or additional caller requests.	
11/1/2013 12:29:34 PM - Caller Call Back	
Caller called back and was informed that there was no new info. The caller would like to add that VELASQUEZ has been terminated. She can be reached at 970-222-0820.Also, two different books are being used for the book keeping.	
9/3/2013 2:11:00 PM - Original Call	
Caller, DECLINED, reported ongoing since 2012, exact date unknown, there has been a continued attempt to shut down the El Rito Campus, supposedly due to financial reasons, and he/she would like to know why. El Rito Campus has continued to promote new programs and support old programs, but removed financial support and closed the Spanish Colonial Furniture program, Trade programs, and the Solar Adobe program, which has caused some of the staff, names UNKNOWN, to be terminated.	
Chief Financial Officer of Northern New Mexico College, Domingo SANCHEZ, has refused to give El Rito Campus Director, Melissa VELASQUEZ, access to her own budget. As a result, VELASQUEZ has been unable to properly write a business plan for the campus.	
The terms of contracts for programs funded by grants are not being fulfilled. For example, an Environmental Science program for elementary school teachers, names UNKNOWN, was supposed to be held at the El Rito Campus, but was held at the Espanola Campus. The caller stated that taxpaying citizens, names UNKNOWN, are paying for the El Rito Campus and it is not being used, but potentially stripped of its programs.	
Last week, exact date unknown, SANCHEZ and Provos, Tony SENA, told VELSAQUEZ to move out of her house on campus, but it states in her contract that she is supposed to live on campus.	
The caller stated out of \$3,000,000.00 in funding allocated to be split between the El Rito Campus (receiving \$1,000,000.00), and the Espanola Campus (receiving \$2,000,000.00), the El Rito Campus receives \$0.00. He/She would like for the information of the El Rito financial commitments to be available for access, and for VELASQUEZ to be able to see her own budget. The caller stated that New Mexico State Auditor, Hector BALDERAS, needs to ask SANCHEZ what he is doing to the El Rito Campus, and to reveal the El Rito Campus's budget. Most of the caller's information is based off of what he/she has heard, and	



## Ethics and Compliance Hotline

### General Information

**Caller Name:** Declined

**Type:** Not Specified

**Client Name:** State of New Mexico

**Location #:** 006

**DBA:** HIGHER EDUCATION

**Address:** HIGHWAY 554

**City,State,Zip:** EL RITO - NM 87530

**Country:** USA

**Phone:**
**Report #:** 118529009

**Priority:** 2

**Trans #:** 2

**Rpt Date:** 09/03/2013

**Time:** 02:11PM

**Origin:** Phone Call

### Summary Information

<b>WHO:</b>	Caller, name declined, reported DOMINGO SANCHEZ and TONY SENA.
<b>WHAT:</b>	Accounting/Audit Irregularities
<b>WHEN:</b>	ONGOING SINCE 2012, EXACT DATE UNKNOWN
<b>WHERE:</b>	EL RITO CAMPUS, ESPANOLA CAMPUS, NORTHERN NEW MEXICO COLLEGE

### Incident Description

#### 7/14/2014 1:53:26 PM - Client Call Back

Thank you for contacting the Office of the State Auditor (OSA) Fraud Hotline. The OSA Special Investigations Division (SID) may conduct initial fact finding procedures pursuant to the Audit Act Sections 12-6 NMSA 1978 et. seq.: and specifically the Audit Rule, Sections 2.2.2.15 C (1) NMAC, which states that "The state auditor may conduct fact-finding procedures in connection with reports of financial fraud, waste and abuse in government made by agencies, IPAs or members of the public.(2) Pursuant to Section 12-6-6 NMSA 1978 and Subsection K of 2.2.2.10 NMAC, every agency and IPA shall notify the state auditor immediately, in writing, upon discovery of any violation of a criminal statute in connection with financial affairs. In addition, upon discovery, the state auditor shall immediately report a violation of a criminal statute in connection with financial affairs to the proper prosecuting officer and furnish the officer with all data and information in his possession relative to the violation." If the caller has additional information or questions for the OSA SID they are encouraged to utilize the Hotline reporting mechanism or they may contact the OSA directly, 505-476-3800, and providing the case number assigned to their issue. Please check frequently back for update and/or additional caller requests.

#### 11/1/2013 12:29:34 PM - Caller Call Back

Caller called back and was informed that there was no new info. The caller would like to add that VELASQUEZ has been terminated. She can be reached at 970-222-0820. Also, two different books are being used for the book keeping.

#### 9/3/2013 2:11:00 PM - Original Call

Caller, DECLINED, reported ongoing since 2012, exact date unknown, there has been a continued attempt to shut down the El Rito Campus, supposedly due to financial reasons, and he/she would like to know why. El Rito Campus has continued to promote new programs and support old programs, but removed financial support and closed the Spanish Colonial Furniture program, Trade programs, and the Solar Adobe program, which has caused some of the staff, names UNKNOWN, to be terminated.

Chief Financial Officer of Northern New Mexico College, Domingo SANCHEZ, has refused to give El Rito Campus Director, Melissa VELASQUEZ, access to her own budget. As a result, VELASQUEZ has been unable to properly write a business plan for the campus.

The terms of contracts for programs funded by grants are not being fulfilled. For example, an Environmental Science program for elementary school teachers, names UNKNOWN, was supposed to be held at the El Rito Campus, but was held at the Espanola Campus. The caller stated that taxpaying citizens, names UNKNOWN, are paying for the El Rito Campus and it is not being used, but potentially stripped of its programs.

Last week, exact date unknown, SANCHEZ and Provos, Tony SENA, told VELASQUEZ to move out of her house on campus, but it states in her contract that she is supposed to live on campus.

The caller stated out of \$3,000,000.00 in funding allocated to be split between the El Rito Campus (receiving \$1,000,000.00), and the Espanola Campus (receiving \$2,000,000.00), the El Rito Campus receives \$0.00. He/She would like for the information of the El Rito financial commitments to be available for access, and for VELASQUEZ to be able to see her own budget. The caller stated that New Mexico State Auditor, Hector BALDERAS, needs to ask SANCHEZ what he is doing to the El Rito Campus, and to reveal the El Rito Campus's budget. Most of the caller's information is based off of what he/she has heard, and



therefore he/she was unable to provide specific details.

**How does the caller know about the incident?:** Alleged Victim

**What documentation is available?:** none

**Accounting/Audit Irregularities:**

What is the Organization or Agency name you're reporting about? NORTHERN NEW MEXICO COLLEGE

What is the Organization Type? Higher Education

Do you know whether an internal audit or investigation of the issue has been done or is scheduled to be done by the organization? NO

If an audit/investigation is involved, when and who is involved? (Name of organization unit or person) UNKNOWN

Do you know whether there has been any altering or destruction of evidence or intimidation of witnesses? UNKNOWN

If so, please describe what occurred, including the name(s) of those involved. N/A

Do you know whether law enforcement (police) has been notified or whether a prosecuting authority such as the local District Attorney or the State Attorney General has been notified? UNKNOWN

If so, what is the Prosecuting Authority Organization/Contact Name? N/A

If so, what is the Law Enforcement Organization/Contact Name? N/A

Do you know whether the Independent Public Accountant (CPA firm) for the organization has been made aware of this incident? UNKNOWN

If so, what is the IPA Organization/Contact Name? N/A

What would you estimate the total potential dollar cost or loss may be due to this incident? N/A

Do you know if management is aware of the concern(s) you're reporting? NO

If so, please provide name(s)/title(s) of manager(s) and a description of management-involvement to date. N/A

Does this incident involve Federal Stimulus funds otherwise known as American Recovery and Reinvestment Act (AARA) of 2009? NO

**Involved Parties**

**Reported Individuals:**

**Name:** TONY SENA

**Title:** PROVOS

**Name:** DOMINGO SANCHEZ

**Title:** CHIEF FINANCIAL OFFICER OF NORTHERN NEW MEXICO COLLEGE

**Management Notified:** YES

**Date:** 08/28/2013**Phone:** (575)581-4145**Name:** MELISSA VELASQUEZ**Title:** EL RITO CAMPUS DIRECTOR**Action Taken:** It is unknown if action was taken.**Involved/Aware Parties : YES****Name:** HECTOR BALDERAS**Title:** NEW MEXICO STATE AUDITOR**Role:** Other**Name:** Unknown**Title:** CITIZENS**Role:** Alleged Victim**Ethnic Origin:** UNKNOWN**Gender:** Unknown**Description:****Title:** ELEMENTARY SCHOOL TEACHERS**Role:** Other**Gender:** Unknown**Description:****Title:** STAFF**Role:** Alleged Victim**Gender:** Unknown**Description:****Supplemental Information****How does the caller know about hotline:**

Other

**Interviewer Observations:****Client Instructions**

The caller has been instructed to call back on 9/17/2013. Please take some time to review the report and submit any additional questions you may have for the caller by 9/16/2013. If you are a licensed user of the ReportLine system, please log in (<https://www.netclaim.net>) and submit your question. If you are not a licensed user of the ReportLine system, please document your question in an email and send it to: [NetworkCallbacks@tnwinc.com](mailto:NetworkCallbacks@tnwinc.com).

**Conditions:**

The information contained in this report was provided by a third party source. The Network, Inc. does not verify the accuracy or the completeness of the information contained in this report, and therefore, cannot guarantee its accuracy or completeness.

If you have questions, concerns or updates such as escalation and/or dissemination instructions relative to our service or this incident report please contact us at "[clientcommunication@tnwinc.com](mailto:clientcommunication@tnwinc.com)."



Print this page.

**Case File For Incident Number: 118529009**

**Case Administration Information**

**Priority:** 1  
**Investigator:** ZZ - MANDUJANO, MARIO  
**Due Date:**  
  
**Approver:** ZZ - STEWART, PATRICK  
**Assignment Date:** 5/28/2014  
**Resolution Status:** Approved/Closed  
**Closed Date:** 3/5/2015  
**Actions:**

**Incident Short Summary**

**Who:** SANCHEZ SENA  
**What:** Accounting/Audit Irregularities  
**When:** ONGOING SINCE 2012, EXACT DATE UNKNOWN  
**Where:** 006 - NM

**Investigation Information**

03/05/2015 12:26PM (ET) - PATRICK ZZ - STEWART - Email to mario.mandujano@osa.state.nm.us generated RE: Case is Approved/Closed.

03/05/2015 12:26PM (ET) - PATRICK ZZ - STEWART - Approved/Closed case with an Outcome of "Corrective Action Taken" and a Disposition of "Disciplined"

03/05/2015 12:26PM (ET) - PATRICK ZZ - STEWART - Approved and Closed with Additional Information Recording 'Organizational/Agency Name=' 'Organizational/Agency Type=' 'IPA Firm/Contact Name=' 'Law Enforcement/Contact Name=' 'Prosecuting Authority/Contact Name=' 'Agency Code=' 'Internal Investigative/Audit Unit Contact Name='

03/02/2015 11:32AM (ET) - System - Case re-assigned to a new Investigator due to a change in system rights of the previous Investigator.

07/15/2014 9:05AM (ET) - CHYME GARLAND - Callback Edited

07/14/2014 1:55PM (ET) - DIANNE ZZ - JARAMILLO - Thank you for contacting the Office of the State Auditor (OSA) Fraud Hotline. The OSA Special Investigations Division (SID) may conduct initial fact finding procedures pursuant to the Audit Act Sections 12-6 NMSA 1978 et. seq.: and specifically the Audit Rule, Sections 2.2.2.15 C (1) NMAC, which states that "The state auditor may conduct fact-finding procedures in connection with reports of financial fraud, waste and abuse in government made by agencies, IPAs or members of the public.(2) Pursuant to Section 12-6-6 NMSA 1978 and Subsection K of 2.2.2.10 NMAC, every agency and IPA shall notify the state auditor

immediately, in writing, upon discovery of any violation of a criminal statute in connection with financial affairs. In addition, upon discovery, the state auditor shall immediately report a violation of a criminal statute in connection with financial affairs to the proper prosecuting officer and furnish the officer with all data and information in his possession relative to the violation." If the caller has additional information or questions for the OSA SID they are encouraged to utilize the Hotline reporting mechanism or they may contact the OSA directly, 505-476-3800, and providing the case number assigned to their issue. Please check frequently back for update and/or additional caller requests.

07/14/2014 1:53PM (ET) - DIANNE ZZ - JARAMILLO - Callback Edited

07/14/2014 1:53PM (ET) - DIANNE ZZ - JARAMILLO - Callback Added

07/14/2014 1:53PM (ET) - DIANNE ZZ - JARAMILLO - Callback Edited

07/14/2014 1:42PM (ET) - DIANNE ZZ - JARAMILLO - Callback Added

05/28/2014 2:40PM (ET) - PATRICK ZZ - STEWART - Email to Dianne.jaramillo@osa.state.nm.us generated RE: Case transferred to another investigator.

05/28/2014 2:40PM (ET) - PATRICK ZZ - STEWART - Transferring a case to another investigator

11/01/2013 12:37PM (ET) - TIFFANEY DAVIS - Callback Edited

11/01/2013 12:29PM (ET) - TIFFANEY DAVIS - Callback Added

10/22/2013 3:26PM (ET) - PATRICK ZZ - STEWART - Email to mario.mandujano@osa.state.nm.us generated RE: Case assigned to investigator.

10/22/2013 3:26PM (ET) - PATRICK ZZ - STEWART - Assigning an Investigator

#### **Additional Information**

**Organizational/Agency Name:**

**Organizational/Agency Type:**

**IPA Firm/Contact Name:**

**Law Enforcement/Contact Name:**

**Prosecuting Authority/Contact Name:**

**Agency Code:**

**Internal Investigative/Audit Unit Contact Name:**

#### **Resolution Information**

**Outcome:** Corrective Action Taken  
**Disposition:** Disciplined  
**Amount of Reward:** 0  
**Message to Caller:** The client has completed their investigation and has marked this issue as resolved. Unfortunately I am unable to provide you with any additional information. If you like I can start a new report for you.

[Print this page.](#)

**Ethics and Compliance Hotline****General Information****Caller Name:** Declined**Type:** Not Specified**Client Name:** State of New Mexico**Location #:** 006**DBA:** HIGHER EDUCATION**Address:** NORTHERN NEW MEXICO COL**City,State,Zip:** ESPANOLA - NM 87532**Country:** USA**Phone:****Report #:** 118518309**Priority:** 2**Trans #:** 2**Rpt Date:** 08/30/2013**Time:** 05:55PM**Origin:** Phone Call**Summary Information**

**WHO:** Caller, name declined, reported GILBERT SENA.  
**WHAT:** Procurement/Contracting Improprieties  
**WHEN:** ONGOING SINCE 02/2013, EXACT DATE UNKNOWN  
**WHERE:** IN THE WORKPLACE

**Incident Description****7/14/2014 1:13:44 PM - Client Call Back**

Thank you for contacting the Office of the State Auditor (OSA) Fraud Hotline. The OSA Special Investigations Division (SID) may conduct initial fact finding procedures pursuant to the Audit Act Sections 12-6 NMSA 1978 et. seq.: and specifically the Audit Rule, Sections 2.2.2.15 C (1) NMAC, which states that "The state auditor may conduct fact-finding procedures in connection with reports of financial fraud, waste and abuse in government made by agencies, IPAs or members of the public.(2) Pursuant to Section 12-6-6 NMSA 1978 and Subsection K of 2.2.2.10 NMAC, every agency and IPA shall notify the state auditor immediately, in writing, upon discovery of any violation of a criminal statute in connection with financial affairs. In addition, upon discovery, the state auditor shall immediately report a violation of a criminal statute in connection with financial affairs to the proper prosecuting officer and furnish the officer with all data and information in his possession relative to the violation." If the caller has additional information or questions for the OSA SID they are encouraged to utilize the Hotline reporting mechanism or they may contact the OSA directly, 505-476-3800, and providing the case number assigned to their issue. Please check frequently back for update and/or additional caller requests.

**9/13/2013 1:57:02 PM - Caller Call Back**

Caller called back and was informed that there was no new info.

**8/30/2013 5:55:00 PM - Original Call**

Caller, DECLINED, reported that ongoing since 02/2013, exact date unknown, Department Chair of Automotive Technology, Gilbert SENA has taken student grant money to purchase parts for car repairs. SENA will repair a car and sell his services for, exact amount unknown. The caller did not wish to provide any additional information at this time. It is unknown how this issue can be resolved.

**How does the caller know about the incident?:** Witnessed

**What documentation is available?:** purchase order

**Procurement/Contracting Improprieties:**

What is the Organization or Agency name you're reporting about? NORTHERN NEW MEXICO COLLEGE

What is the Organization Type? Higher Education

Do you know whether an internal audit or investigation of the issue has been done or is scheduled to be done by the organization? NO

If an audit/investigation is involved, when and who is involved? (Name of organization unit or person) N/A

Do you know whether there has been any altering or destruction of evidence or intimidation of witnesses? NO

*Iran Lopez*  
*Chair*  
*Dean, College of*  
*Engineering &*  
*Technology*

If so, please describe what occurred, including the name(s) of those involved. N/A

Do you know whether law enforcement (police) has been notified or whether a prosecuting authority such as the local District Attorney or the State Attorney General has been notified? NO

If so, what is the Prosecuting Authority Organization/Contact Name? N/A

If so, what is the Law Enforcement Organization/Contact Name? N/A

Do you know whether the Independent Public Accountant (CPA firm) for the organization has been made aware of this incident? NO

If so, what is the IPA Organization/Contact Name? N/A

What would you estimate the total potential dollar cost or loss may be due to this incident? OVER \$1,000.00, EXACT AMOUNT UNKNOWN

Do you know if management is aware of the concern(s) you're reporting? YES

If so, please provide name(s)/title(s) of manager(s) and a description of management-involvement to date. CAMILLA BUSTMONTE

Does this incident involve Federal Stimulus funds otherwise known as American Recovery and Reinvestment Act (AARA) of 2009? UNKNOWN

### Involved Parties

**Reported Individuals:****Name:** GILBERT SENA**Title:** DEPARTMENT CHAIR OF AUTOMOTIVE TECHNOLOGY**Management Notified:** NO**Involved/Aware Parties :** NO

### Supplemental Information

**How does the caller know about hotline:** Other**Interviewer Observations:**

### Client Instructions

The caller has been instructed to call back on 9/13/2013. Please take some time to review the report and submit any additional questions you may have for the caller by 9/12/2013. If you are a licensed user of the ReportLine system, please log in (<https://www.netclaim.net>) and submit your question. If you are not a licensed user of the ReportLine system, please document your question in an email and send it to: [NetworkCallbacks@tnwinc.com](mailto:NetworkCallbacks@tnwinc.com).

**Conditions:**

The information contained in this report was provided by a third party source. The Network, Inc. does not verify the accuracy or the completeness of the information contained in this report, and therefore, cannot guarantee its accuracy or completeness.

If you have questions, concerns or updates such as escalation and/or dissemination instructions relative to our service or this incident report please contact us at "[clientcommunication@tnwinc.com](mailto:clientcommunication@tnwinc.com)."

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**Case File For Incident Number: 118518309**

**Case Administration Information**

**Priority:** 1  
**Investigator:** ZZ - JARAMILLO, DIANNE  
**Due Date:**  
  
**Approver:** ZZ - STEWART, PATRICK  
**Assignment Date:** 5/28/2014  
**Resolution Status:** Approved/Closed  
**Closed Date:** 12/16/2014  
**Actions:**

**Incident Short Summary**

**Who:** SENA  
**What:** Procurement/Contracting Improprieties  
**When:** ONGOING SINCE 02/2013, EXACT DATE UNKNOWN  
**Where:** 006 - NM

**Investigation Information**

12/16/2014 3:28PM (ET) - PATRICK ZZ - STEWART - Email to Dianne.jaramillo@osa.state.nm.us generated RE: Case is Approved/Closed.

12/16/2014 3:28PM (ET) - PATRICK ZZ - STEWART - Approved/Closed case with an Outcome of "Corrective Action Taken" and a Disposition of "Disciplined"

12/16/2014 3:28PM (ET) - PATRICK ZZ - STEWART - Approved and Closed with Additional Information Recording 'Organizational/Agency Name=' 'Organizational/Agency Type=' 'IPA Firm/Contact Name=' 'Law Enforcement/Contact Name=' 'Prosecuting Authority/Contact Name=' 'Agency Code=' 'Internal Investigative/Audit Unit Contact Name='

07/14/2014 1:14PM (ET) - DIANNE ZZ - JARAMILLO - Thank you for contacting the Office of the State Auditor (OSA) Fraud Hotline. The OSA Special Investigations Division (SID) may conduct initial fact finding procedures pursuant to the Audit Act Sections 12-6 NMSA 1978 et. seq.: and specifically the Audit Rule, Sections 2.2.2.15 C (1) NMAC, which states that "The state auditor may conduct fact-finding procedures in connection with reports of financial fraud, waste and abuse in government made by agencies, IPAs or members of the public.(2) Pursuant to Section 12-6-6 NMSA 1978 and Subsection K of 2.2.2.10 NMAC, every agency and IPA shall notify the state auditor immediately, in writing, upon discovery of any violation of a criminal statute in connection with financial affairs. In addition, upon discovery, the state auditor shall immediately report a violation of a criminal statute in connection with financial affairs to the proper prosecuting officer and furnish the officer with all data and information in his possession relative to the violation." If the caller has additional information or questions

for the OSA SID they are encouraged to utilize the Hotline reporting mechanism or they may contact the OSA directly, 505-476-3800, and providing the case number assigned to their issue. Please check frequently back for update and/or additional caller requests.

07/14/2014 1:14PM (ET) - DIANNE ZZ - JARAMILLO - Callback Edited

07/14/2014 1:13PM (ET) - DIANNE ZZ - JARAMILLO - Callback Added

05/28/2014 2:42PM (ET) - PATRICK ZZ - STEWART - Email to Dianne.jaramillo@osa.state.nm.us generated RE: Case transferred to another investigator.

05/28/2014 2:42PM (ET) - PATRICK ZZ - STEWART - Transferring a case to another investigator

10/22/2013 3:27PM (ET) - PATRICK ZZ - STEWART - Email to mario.mandujano@osa.state.nm.us generated RE: Case assigned to investigator.

10/22/2013 3:27PM (ET) - PATRICK ZZ - STEWART - Assigning an Investigator

09/13/2013 1:58PM (ET) - BARBARA WILLIAMS - Callback Edited

09/13/2013 1:57PM (ET) - BARBARA WILLIAMS - Callback Added

#### **Additional Information**

**Organizational/Agency Name:**

**Organizational/Agency Type:**

**IPA Firm/Contact Name:**

**Law Enforcement/Contact Name:**

**Prosecuting Authority/Contact Name:**

**Agency Code:**

**Internal Investigative/Audit Unit Contact Name:**

#### **Resolution Information**

<b>Outcome:</b>	Corrective Action Taken
<b>Disposition:</b>	Disciplined
<b>Amount of Reward:</b>	0
<b>Message to Caller:</b>	The client has completed their investigation and has marked this issue as resolved. Unfortunately I am unable to provide you with any additional information. If you like I can start a new report for you.

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August 20, 2012

Scott Eliason  
Moss Adams, LLP  
6100 Uptown Blvd NE Suite 400  
Albuquerque, New Mexico 87110

Re: Northern New Mexico College

Dear Mr. Eliason:

The Office of the State Auditor (OSA) has received confidential information alleging conflicts of interest against Northern New Mexico College (NNMC) IT Director, Jorge Lucero. It is alleged Mr. Lucero owns a company, which is registered with the state of New Mexico by the name of Eagle IT. It is also alleged that Mr. Lucero is running his personal business out of his office at NNMC using the college's phone system and college employees to run his business. Additional allegations are as follows:

- Mr. Lucero has named the IT department at NNMC Eagle IT;
- Mr. Lucero has awarded NNMC business to two companies, Advanced Networks and IP Voice Systems of which he is an alleged partner;
- Advanced Networks has been awarded contracts of over \$100,000;
- Advanced Networks has allegedly paid Mr. Lucero kickbacks;
- In 7/2011 Mr. Lucero allegedly awarded IP Voice Systems a contract for \$16,000;
- Management is not following proper procurement procedures such as submitting purchase requisitions with vendors of their choice, not going out to RFP for a study and promising Advanced Network a contract for \$200,000 in return for doing the study at no charge, limiting information on the RFP so no other vendors could bid, and submitting a purchase requisition for thousands of dollars for IT equipment and stating it as a sole source; and
- Management is not submitting purchase paperwork through the purchasing office.

The OSA is concerned about allegations of government fraud, waste and abuse and is making you aware of this information so that you will take this information into consideration when planning your financial audit for the Fiscal Year 2012. Please be advised that the Audit Act and the Audit Rule (Section 12-6-6 NMSA 1978 and Section 2.2.2.10(K)(2) requires an IPA to notify the State Auditor immediately, in writing, upon discovery of any violation of a criminal statute in connection with financial affairs. Notification shall include an estimate of dollar amount involved, and a complete



description of the violation, including names of persons involved and any action taken or planned. If warranted, the State Auditor may cause an audit of the financial affairs and transactions of the agency in whole or in part pursuant to Section 12-6-3 NMSA 1978 and 2.2.2.15 NMAC.

Thank you for your assistance and cooperation regarding this matter. If you have any questions or concerns, please feel free to contact me at 476-3800.

Respectfully,

Cindy Padilla, Senior Auditor  
Office of the State Auditor